



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SIGNED AND MAILED
ON 8/11/16, SCANNED
COPY LOST DUE TO
NETWORK MALFUNCTION
THAT DAY.

ADD

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Ginger Ellis
Environmental Planning Administrator
Watershed Protection and Restoration Program
Anne Arundel County Department of Public Works
2662 Riva Road, MS 7409
Annapolis, MD 21401

Re: Request for Information Pursuant to Section 308 of the Clean Water Act

Dear Ms. Ellis:

Enclosed is an Information Requirement issued to Anne Arundel County as the owner of the Municipal Separate Storm Sewer System (MS4) located within Anne Arundel County. The United States Environmental Protection Agency ("EPA") is authorized under Section 308 of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. § 1318, to require reports and other information necessary to carry out the purposes of the Act. You should read the Request for Information carefully as it provides instructions and deadlines for certain information to be provided to EPA.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Request for Information in accordance with deadlines set forth in the Request for Information, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the Act, 33 U.S.C. § 1319. EPA is authorized to seek the imposition of penalties up to \$20,628 for each day of continued noncompliance with the Information Requirement. Please be further advised that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This Information Requirement is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).



Should you have any questions pertaining to this matter, please contact Mr. Andrew Dinsmore at (215) 814-2788 or dinsmore.andrew@epa.gov.

Sincerely,

David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Permits and Enforcement
Water Protection Division

cc: Brian Clevenger, MDE (via email)

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In The Matter of:

Anne Arundel County, Maryland
2662 Riva Road
Annapolis, MD 21401

Respondent.

Proceeding Under Section 308 of the
Clean Water Act, 33 U.S.C. § 1318

REQUEST FOR INFORMATION

I. STATUTORY AUTHORITY

1. This Request for Information is issued under the authority vested in the United States Environmental Protection Agency ("EPA") by Section 308 of the Clean Water Act ("CWA"), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III, who in turn has delegated it to the Associate Director of the Office of NPDES Permits and Enforcement. EPA hereby requires Anne Arundel County (Respondent) to provide information specified below, regarding its Municipal Separate Storm Sewer System, NPDES Permit Number MD0068306.
2. EPA is authorized under section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:
 - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
 - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
 - c. any requirement under Section 308 of the CWA; and
 - d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.



3. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

II. REGULATORY BACKGROUND

4. An NPDES permit is required for discharges from a “municipal separate storm sewer system” serving a population of 100,000 or more, Sections 402(p)(2)(C) and (D) of the Act, 33 U.S.C. § 1342(p); 40 C.F.R. § 122.26(a), 40 C.F.R. § 122.21.
5. The term “municipal separate storm sewer system” includes, “a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.” 40 C.F.R. § 122.26(b)(8)(I).
6. “Discharge of a pollutant” includes “any addition of any pollutant or combination of pollutants to waters of the United States from any point source.” 40 C.F.R. § 122.2.
7. “Stormwater” is defined as “storm water runoff, snow melt runoff and surface runoff and drainage.” 40 C.F.R. § 122.26(b)(13).
8. Anne Arundel County, Maryland (Respondent) is a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
9. Respondent owns, and through its Department of Public Works (DPW), Department of Inspections and Permits (I&P), and Office of Planning and Zoning (OPZ), operates a municipal separate storm sewer system (MS4) located in Anne Arundel County, MD. Respondent’s MS4 management programs include: stormwater management, erosion and sediment control, illicit discharge detection and elimination, litter and floatables, property management and maintenance, and public education.
10. The Maryland Department of the Environment (MDE) issued to Respondent an NPDES MS4 Discharge Permit No. MD0068306 with an effective date of February 12, 2014, hereinafter referred to as the “MS4 Permit.” The MS4 Permit is set to expire on February 11, 2019.

III. INSTRUCTIONS

11. Identify each person responding to any question contained in this Information Request on behalf of the Respondent, as well as each person consulted in the preparation of the response.
12. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
13. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
14. If a tabulation is requested, provide the requested information in tabular form in an electronic Excel spreadsheet file or compatible format.
15. If requested information or documents are not known or are not available at the time of your response to this Information Request, but later become known or available, the Respondent must supplement its response to EPA. Moreover, should the Respondent find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts, the Respondent must provide EPA with a corrected response as soon as possible.
16. All submissions provided pursuant to this request shall be signed and dated by a responsible official of Respondent to include the following certification:

***“I certify that the information contained in or accompanying this submission is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I certify as having responsibility for the persons who, acting under my direct instruction, made the verification that this information is true, accurate, and complete.*”**

Signed _____
Title _____”

17. Submit your response, within 30 calendar dates of receipt, to:

Andrew Dinsmore (3WP42)
NPDES Enforcement Branch
Water Protection Division
U. S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029
dinsmore.andrew@epa.gov

18. If you have questions regarding this Information Request, you may contact Andrew Dinsmore of the NPDES Enforcement Branch at (215) 814-2788 or dinsmore.andrew@epa.gov.

IV. DEFINITIONS

19. The terms “Document” and “Documents” shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy which has any writing, notation, or the like on it; c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.
20. The term “County” or “Respondent” shall mean Anne Arundel County and its Municipal Separate Storm Sewer System.
21. The term “Identify” with respect to a natural person means to provide that person’s name, address, telephone number, title, and relationship to Respondent. The term “identify” with respect to a business entity means to provide that entity’s name, address, and relationship to the Respondent, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.

V. REQUEST FOR INFORMATION

AND NOW, this _____ day of _____, 2016, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. Section 1318, to provide the following information:

22. Please outline the County’s progress in completing “...detailed watershed assessments for the entire County...”, as per Part IV.E.1 of the permit. Please indicate what steps have been taken, inspections that have been performed (with dates and locations), and any preliminary results obtained or assessed. Please provide any preliminary rankings of water quality problems and pollutant load benchmarks.
23. Please submit the County’s “...impervious surface area assessment...”, as per Part IV.E.2.a of the permit.

24. Please submit the status of all implementation efforts to meet the 20% Reduction Requirement (Part IV.E.2.a) in tabular format and indicate:
- a. The BMP type and location;
 - b. Whether projects are:
 - i. Completed and/or installed, with project completion dates,
 - ii. Being implemented, with proposed completion dates,
 - iii. In development/final planning, with proposed implementation and completion dates, or
 - iv. Conceptually planned, with an anticipated development/final planning, implementation, and completion dates; and
 - c. The impervious acreage treated.
25. Please indicate and explain how the County's implementation efforts per paragraph 24 will achieve the 20% restoration requirement by February 2019.
26. Please provide a copy of the County's "annual TMDL assessment report" and/or other documentation of the County's efforts to "evaluate and document its progress toward meeting all applicable stormwater WLAs included in EPA approved TMDLs," as per Part IV.E.4 of the Permit. Please include all information in subparts a-e.
27. Please provide a copy of the County's Financial Assurance Plan and other documentation to show adequate funding sources to comply with Part IV.G of the Permit and Section 4-202.1 of the Environmental Article of the Annotated Code of Maryland.
28. Please provide copies of any and all correspondence between the County and MDE relevant to Parts IV.E and IV.G of the Permit.
- a. If such correspondence is being provided pursuant to one of the previous paragraphs, an additional copy is not necessary. Please just identify the correspondence in a tabular format with the:
 - i. Name of the document,
 - ii. Sender,
 - iii. Recipient, and
 - iv. Date sent and/or received.

VI. EFFECTIVE DATE

29. This REQUEST FOR INFORMATION is effective upon receipt.

Date: _____

David B. McGuigan, Ph.D.
Associate Director
Office of Compliance and Enforcement

